

Paper No. 621
Disposes of
Paper No. 613, in
respect to Paper
No. 435.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER:
) GRANTING, IN PART, THE
) APPLICATION OF THE PROSECU-
) TION TO AMEND THAT CERTAIN
- vs -) ORDER OF THE TRIBUNAL NO.
) 435 DATED 16 SEPTEMBER,
) 1946, WITH REGARD TO THE
ARAKI, Sadao; et al) PRODUCTION OF CERTAIN
) DEFENSE WITNESSES.

This matter coming on to be heard on this 18th day of December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution to amend that certain order of the Tribunal dated 16 September, 1946, and designated as Paper No. 435, wherein the Tribunal directed that summonses be issued for Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, as witnesses on behalf of the accused UMEZU, Yoshijiro, by recalling and revoking the said summonses so ordered to be issued for the proposed witnesses Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, and in lieu and stead thereof, granting to the said accused and his Counsel of record every facility and assistance to submit interrogatories to, or otherwise interrogate, the said witnesses at the places where the said persons are now located

and held; and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application for the recall and revocation of the summonses heretofore ordered to be issued for Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, as witnesses for and on behalf of the accused UMEZU, Yoshijiro, be denied; and it is further

ORDERED: That the said order of the Tribunal heretofore made, signed and entered on the 16th day of September, 1946, be amended by adding two new and additional paragraphs to said order, to read as follows:

"It is further ORDERED: That execution and service of the summonses for the proposed witnesses Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, be postponed, and that said summonses be held by the Secretary of the Tribunal, subject to further order and direction of the Tribunal; and it is further

"ORDERED: That pending further direction of the Tribunal relative to the service of said summonses for the proposed witnesses Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, every facility and assistance be provided to Counsel for the accused UMEZU, Yoshijiro, to submit written interrogatories to, or verbally interrogate, the said Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen.

YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, at the places where said persons are now located or held, and the accused is granted permission to file an application for the service of the summonses heretofore issued for the said witnesses, if the same be found necessary for the proper defense of the accused in this case, as the result of the afore-said interrogations."

And it is further ORDERED: That in each and all other respects, the said order of the Tribunal of 16 September, 1946, shall be and remain as originally made, signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 23 December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT